Joint Industry Comments on the Database for Energy Labelling

The EU Product Database for Energy Labelling needs to meet the objectives stated in Regulation 2017/1369. It has to be set-up so that the burden for suppliers is minimised (Art 12.7a), data security is ensured (Art 12.9), terms and conditions - including the scope - are known in advance, and a fair and level playing field is safeguarded by identifying free-riders (Recital 6). In addition, it has to ensure that it is fit for all product groups and it takes into account their various characteristics.

To achieve these goals and to ensure a proper functioning of the Database by January 2019, the industry signatories of this joint paper would like to highlight the following specific needs.

1. Timeline and project management

The timetable set for the development of the Database is short due to the deadlines set in the Regulation. We appreciate the Commission has outlined an overall timeline for the development of the Database. However, we would like to highlight that industry needs information and workable testing software and interfaces as soon as possible to meet the foreseen deadlines.

Information
Timely detailing of operational details is required to ensure a synchronised contribution of all stakeholders, to ensure a fully functioning database. We ask the Commission to disclose the data models[1] as soon as they are finalised for each product group and no later than the end of the fourth quarter of 2017.

Pilots and functionality tests
Working pilots, even in part, such as a system-to-system interface or a registration interface, should be launched by the Commission as soon as possible and no later than during the first quarter of 2018. This would allow industry to test the functioning for different product groups and provide the Commission with operational feedback.

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[1] the structure of the data that has to be uploaded for each product type

Working Meetings
Furthermore, the signatories deem it relevant to also include some additional "working meetings" before the 2nd Supplier Stakeholder Meeting in March 2018. These meetings would permit industry sectors to be able to work in more technical detail with the Commission. We suggest having one or more meetings for each product group or at least for each sector grouping.

2. Language neutrality

A dynamic and language neutral handling of data is one of the major opportunities of the Database to avoid the confusion of unnecessary and incorrect translations. The language of many entries is or will be available from the respective language versions of the product specific implementing legislation. Additional translation efforts would not be needed and the risk of errors from translation would thereby be non-existent.

Generally, for the supplier, the data format and required data entries for the public and compliance parts need to be language neutral. Where this might not be possible, future product-specific Delegated Acts should enable information upload in a language neutral form.

For the public part, language specific file versions (e.g. pdf, png) of documents, such as the Product Information Sheet, should be generated by the Database from language neutral data should be available to the public and should be created by the Database according to Annex 1(4b) of the Regulation 2017/1369. The Database application should generate labels and product information sheets (with translations) from the data elements in the Database. This will avoid translation errors, and limits the efforts imposed on suppliers, amongst others, as this will make change management easier.

Also, for the compliance part, suppliers should be allowed to provide information as language neutral data, filling in established forms. Wherever this is not (yet) possible, industry welcomes the proposal on page 28 of "EPREL - Assumptions and Questions v2.60" that the supplier may choose the compliance part language.

Industry is prepared to support developments in the directions mentioned above with concrete solutions for language neutrality for current and future legislation.

3. Confidentiality and appropriate data security

Industry trusts that the Commission will ensure technical data security at the appropriate level. Nevertheless, meeting the objective of data security is by nature a constant effort. Signatories therefore would like to highlight the following aspects.

To prevent rogue and unscrupulous behaviour to upload or access data by non-authorised persons or organisations, it must be ensured that at least the first and main registration of a supplier is verified. Some of the data is competitively sensitive information and in the wrong hands it can cause damage to companies and hamper possibilities for Intellectual Property protection. The information should be visible in the Database at the moment the product is placed on the market and not before. The procedure for obtaining a product registration code, generating labels and product information sheets, must be carefully detailed out and verified during the test phase of the Database.

In accordance with the requirements of Article 12.9 of Regulation 2017/1369, the Database should contain restrictions on the copying of larger data sets for several models at the same time. Such a mass download should be completely prevented in the confidential part of the Database to ensure confidentiality and security of the data. But also for the public part, restrictions should apply. While clearly the public part shall be searchable, industry does not deem the functionality of a complete

mass download necessary. This is especially critical if responsibilities for the correctness and terms of use of this mass download are not clarified.

Also, for security reasons, efforts should be made to minimise the number of access points per Member State Authority (MSA) to reduce the impact of possible human error. The proposed approach of user registration by invitation only is a starting point but will not be enough. A two-step verification process should be enabled for users – a username and password login and then a follow-up text message or email to provide another login code.

The solution proposed by the Commission to revoke access for former MSA employees only after receiving a notification from the MSA is not sufficient, as it will be dependent on the capability of MSAs to immediately send this notification. Such an approach may result in former employees maintaining their access credentials possibly for months after leaving their job and because of that we believe there is a very high risk for data leaks to occur. The idea of restricting access from IPs outside the MSA should be further investigated.

Finally, we understand that registration and authorisation processes are planned to be copied from the Information and Communication System on Market Surveillance database (ICSMS). While practicalities may seem the same, it is important to realise that the value for potential hacking and the risk in case of data leakage is significantly higher with the EU Product Registry Database "EPREL". Whereas ICSMS contains only a small fraction of a sector's models, EPREL contains the knowhow of all industry operating on the EU market. Hence, following Article 12.9 that stipulates "*the confidentiality level shall reflect the consequential harm resulting from disclosure of the data to unauthorised persons,*" the security level in EPREL needs to be demonstrably higher than the one for ICSMS.

4. Level playing field for all economic operators

A significant risk to the level playing field is that some suppliers avoid the efforts of registration and subsequent compliance control by not registering at all in the Database, while their products are still sold in the shops.

Industry calls on Member States to control the accuracy of the Database itself by verifying that all economic operators in the EU, acting as suppliers for products with an energy label according to 2017/1369, are indeed registered with their products in the Database.
Additionally, the Database itself should offer functionalities that support the detection of non-registered products or suppliers.

5. No mandatory upload of full test reports

Finally, in view of the discussions during the 1st Consultation Forum for Suppliers, we would like to point out that suppliers, according to Regulation 2017/1369, cannot be obliged to upload test reports. Test reports are part of the technical documentation according to Article 2, however, data to be entered in the Database must comply with Regulation 2017/1369 - Articles 12.4 and 12.5. In any case, test reports should be made available by producers to the enforcement authorities upon request. It should always remain possible for manufacturers to upload additional documents related to compliance in the Database.

About the Signatories

About CECED:
CECED represents the home appliance industry in Europe. Direct Members are Arçelik, Ariston Thermo Group, BSH Hausgeräte GmbH, Candy Group, Daikin Europe, De'Longhi, Dyson, AB Electrolux, Gorenje, Groupe Atlantic, LG Electronics Europe, Liebherr Hausgeräte, Miele & Cie. KG, Panasonic, Philips, Samsung, Groupe SEB, Vestel, Vorwerk and Whirlpool Europe. CECED's member Associations cover the following countries: Austria, Baltics, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.
www.ceced.eu

About DIGITALEUROPE :
DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include in total 25,000 ICT Companies in Europe represented by 61 corporate members and 37 national trade associations from across Europe.
www.digitaleurope.org

About EHI:
EHI, the Association of the European Heating Industry, represents 90% of the European market for heat and hot water generation, heating controls and heat emitters, as well as 75% of the hydronic heat pump market. Our Members produce advanced technologies for heating in buildings, including: heating systems, burners, boilers, heat pumps, components and system integrators, radiators, surface heating & cooling and renewable energy systems. In doing so, we employ directly more than 120.000 people in Europe and invest more than half a billion euro a year in energy efficiency.
www.ehi.eu

About EPEE:
The European Partnership for Energy and the Environment (EPEE) represents the refrigeration, air-conditioning and heat pump industry in Europe. Founded in the year 2000, EPEE's membership is composed of 40 member companies, national and international associations.
EPEE member companies realize a turnover of over 30 billion Euros, employ more than 200,000 people in Europe and also create indirect employment through a vast network of small and medium-sized enterprises such as contractors who install, service and maintain equipment.
EPEE member companies have manufacturing sites and research and development facilities across the EU, which innovate for the global market.
As an expert association, EPEE is supporting safe, environmentally and economically viable technologies with the objective of promoting a better understanding of the sector in the EU and contributing to the development of effective European policies.
www.epeeglobal.org

About EUnited Cleaning:
The Association of European cleaning machines manufacturers - EUnited Cleaning - represents the leading producers of floor cleaning machines and high-pressure cleaners for commercial and industrial use.
www.eu-nited.net

About LightingEurope:
LightingEurope is the industry association that represents the lighting industry in Europe. We are the voice of more than 1,000 lighting companies that employ more than 100,000 Europeans and create an annual European turnover of over € 20 billion. Our daily mission is to advocate and defend the lighting industry in Brussels, while reconciling it with ongoing EU policy aims. In doing so, we are dedicated to promoting efficient lighting practices for the benefit of the global environment, human comfort, and the health and safety of consumers.
www.lightingeurope.org